

PALMER TOWNSHIP PLANNING COMMISSION
PUBLIC MEETING - TUESDAY, MARCH 21, 2023 - 7:00 PM
PALMER TOWNSHIP MUNICIPAL MEETING ROOM, LOWER LEVEL, 3 WELLER
PLACE, PALMER PA 18045

The March 21st meeting of the Palmer Township Planning Commissions was held on Tuesday, March 21st, 2023 at 7:00 PM with the following in attendance Chairman, Robert Blanchfield, Vice Chairman, Chuck Diefenderfer, Jeff Kicska, Robert Lammi, Robin Aydelotte, and Richard Wilkins. Also in attendance were solicitor Will Oetinger, Chris Briglia of Carrol Engineering, Kent Baird, Director of Planning. Joseph Armato, Township Supervisor and Robert A. Williams, Township Manager.

1. MS4 Presentation

A presentation was given by Paige Strasko, Palmer Township MS4 director, explaining the differences between MS4 and Act 167.

2. Approval of Minutes

Motion: Approve, Moved by Richard Wilkins, Seconded by Chuck Diefenderfer. Passed. 6-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Walker, Wilkins
Commission Members voting Abstain: Lammi

OLD BUSINESS

3. Villages at Wolfs Run Phase 3 - Final Subdivision Plan

Villages at Wolfs Run-Phase 3
Van Buren Road - K8-15-1A, K8-15-2 & K8-15-1
HDR-2 & MDR District
Request by Wolfs Run Land LLC

DISCUSSION

Present for the applicant were Mike Tuskes, Phil Malitsch, and Andy Woods.

Blanchfield read into record: This is a residential townhouse project including 140 townhouses and one single family unit. The subdivision plan was first approved by the Board of Supervisors in 2007. The applicant met the requirements to submit a final plan by the extension date. The final plan of phase three proposed revision includes the plan to eliminate private alleys and garages and includes the addition of three off street parking areas containing 45 parking spaces. This change caused a reduction in the impervious cover. The number of units again is 140 townhouses. The general street layout did remain the same with this change. The property is in the NVR HDR-2 zoning districts. We established at the September 13, 2022, meeting of the planning commission, design, and approval and construction can continue with the final plan. No building permits can be given until the bridge is constructed. Piperato corrected us with the condition. He said it was a certificate of occupancy, not a permit.

Piperato was supposed to provide our attorney with the approval.
Blanchfield asked Oetinger if he received anything.

Oetinger said he had been in contact with Mr. Piperato regarding the evolution of the building permit vs occupancy permit issue.

Blanchfield asked the applicant if they could provide any updates about the bridge.

Malitsch said there's no update regarding the bridge. They are in the process of still working with adjacent property owners, so there is no change in the status.

Blanchfield asked if anything regarding the bridge has been provided to the Township?

Malitsch said that information has been provided to the Township.

Blanchfield asked Baird whether the township has information, and it has not been introduced to the Planning Commission.

Baird said the township has had no presentation regarding the bridge. They are required to come to an agreement with the adjacent landowners which we do not have confirmation of. He said we are not sure there is going to be a bridge and are concerned that we do need a presentation because it is part of the approval process.

Blanchfield said that after reading through all of the minutes regarding this topic, one of the items was the requirement to start construction of the bridge within a certain amount of time after the permit had been approved by the DEP.

Malitsch said that it was 18 months after the approvals were acquired. He believes that was September 28, 2022.

Diefenderfer mentioned six months have passed since the letter. He questioned how long a bridge of this size would take to complete?

Malitsch said it is about a 6-month project for a bridge of this size. It can be a long process to complete. He asked if the Planning Commission would like to see the renderings. He did not have the design plans with him.

Blanchfield mentioned things not being settled with the easements from homeowners and deadlines, he was concerned.

Malitsch said that at this point is solely down to landowner acquisition and participation. He said everything else they need is in hand.

Diefenderfer asked it would be a steel bridge because there would be a long lead time.

Woods confirmed steel beam and concrete.

Malitsch said lead time at the manufacturer is about 6 months.

Baird asked if the entire project is tied together what is the appropriate time to

order the bridge.

Malitsch said this would be a road shutdown project, so the best time to shut down the road would be summer with no school traffic.

Baird asked what the trigger point in this approval process is to order a bridge. Phases one and two are already underway and Phase three and the bridge are linked together.

Malitsch said it is not linear in the sense that they could start construction if we had all our landowner agreements in place. They could build everything up to the bridge and then install the bridge at the end.

Diefenderfer added part of the decision letter that was from the Phase One project.

Malitsch agreed the security for the bridge was tied to the phase one approval.

Blanchfield said the township will own the bridge at some point. He asked what submittals have been sent so we know what reviews are taking place.

Baird said some things were sent to Pidcock for the letter of credit, but we have not had anything delivered to us. Baird said he has not had anything submitted to him that is a formal bridge design.

Blanchfield added that we've been talking about this for many years and there has been pieces of information but not a formal plan.

Malitsch added that the township has copies of hydraulic and structural submissions. He said they have gotten reviews back and have numerous conference calls with the township. It may not have been with Baird but there has been participation from the township previously. He said as far as they are concerned, they do not owe the township anything, other than a landowner agreement.

Blanchfield said he feels like somehow, we are missing something.

Malitsch said he had the renderings if they would like to see them.

Wilkins added that the whole Van Buren Rd. was to be raised and we haven't seen any of that.

Armato said he found it disturbing that they have not provided the information.

Malitsch responded that it's on the plans.

Baird said there isn't a separate bridge engineering submission. He said he is looking for the same level of presentation as has been given for the rest of phase 3. He added that there were a lot of gaps left at the last meeting.

Lammi added that the bridge is a very important technical part of the project. He said he hoped at this point that they at least seen a rendition of it.

Baird said there are ramifications to the site plan change that comes from where a landowner's driveway is put and how close it is to the road etc.

Blanchfield said the plan must move forward to the Board of Supervisors whether approved with conditions or denied. He said his main concern is with the traffic on Van Buren Rd. He asked if the bridge is sufficient to support the traffic.

Malitsch says he has a letter from the Township and DEP saying the bridge is ok. The bridge is about 60 x 60. The width across is good for 3 lanes with a 10 ft path on one side and a 5 ft sidewalk section on the other side.

Baird said 2 weeks ago I asked for a bridge presentation. He said if they could provide a bridge presentation here at the meeting.

Malitsch gave a presentation.

Blanchfield asked if the grading he showed was the new grading.

Malitsch said yes.

While going over the plan, Malitsch pointed out the area where a five-foot sidewalk could go. He said it was not their obligation to install the sidewalk. He said Mr. Graack made it clear he does not want the sidewalk along his property. He said what the chairman pointed out is that there's a grading that's required that drives a lot of the additional real estate needed for the project. When the preliminary plan was approved, a profile of Van Buren Road was approved. That profile is consistent with the township's Saldo . Currently Van Buren Rd. is not consistent with the townships Saldo from a vertical alignment requirement. This plan corrected that vertical alignment deficiency. He went on to explain the grading of the bridge, raising the road, and water flow. He added that currently the flow of stormwater ends up on landowners' property. He added that the new plan will take the water onto their site.

He said the bridge is a cast in place abutment, steel girder, concrete deck bridge, designed to PennDOT standards.

Armato let the Commission know that he had requested Mr. Williams to join the meeting to shed some light on the bridge situation.

Malitsch went on to explain placement, profile of the bridge, vertical curve, and flow. The road is coming up because of township requirements. He said this is the approved profile from the preliminary plan. He showed the renderings of what the bridge would look like geared to what impacts the adjoining property owners.

Diefenderfer asked about the placement of a tree on the drawing.

Malitsch said they would have to take a look at site distance requirements.

Wilkins asked some questions regarding how far the driveway was from the street and the slope.

Malitsch explained the distance of 75-85 ft to the sidewalk. He said after talking to the Meilingers, they are attempting to lengthen the driveway to manage the slope.

Baird asked if the driveway on the is on the acreage of phase three or on their own property.

Malitsch responded that it was on the acreage of phase three. He went on to explain more while showing the renderings.

Baird asked them to explain about the pedestrian protection on the inside of the walking path.

Malitsch said they have standard PennDOT pedestrian protection on the inboard side. It will be right on top of the curb line across the bridge. And then we have PennDOT standard metal railing on the outside on the parapets.

Wilkins said that there seems to be pedestrian access on both sides of the bridge but no sidewalk on the west.

Malitsch responded that is an element that they will need to discuss with the Board of Supervisors because the Palmer View property was given a deferral to put a sidewalk in along their frontage. He said Mr. Graack does not want the sidewalk along his property. He said it would go to the bridge and then just stop.

Woods added, to the the same point, if we're going to build a bridge, now's the time to put the sidewalk.

Kicska added that he guesses the sidewalk will attach to Glenmore.

Woods said that was correct.

Discussion continued on the slope, grading and the request by Mr. Graack to fan out the grading more than typical .

Blanchfield asked if Mr. Graack's property stopped at the creek or continued to the other side.

Malitsch said it's on the on the north side of the creek. He explained that the previous design of the bridges would impact the sanitary sewer interceptor. He said the new design will not impact the sanitary sewer interceptor.

Baird asked to explain the depiction of the different slopes, specifically for Bill and Nancy.

Malitsch explained.

Baird asked if they had an agreement with Mr. Graack yet.

Malitsch said they did not.

Blanchfield said the presentation was very helpful.

Wilkins said where the road comes down now, it flattens out fast. He asked if it was not going to flatten out as fast now.

Woods said that was correct.

Wilkins said driveway slope is not as pronounced but we have 75 ft from the centerline of his driveway to the centerline of the street which doesn't leave that many feet from the end of his driveway to the centerline of the street. He asked about how many feet that was.

Malitsch said about 30 ft. This is very similar to what was on the preliminary plan.

Baird asked if what is on the plan now was agreed upon with Bill and Nancy?

Malitsch said we have no agreements on paper.

Blanchfield said items on the bridge are necessary for approval. The details will probably happen at the Board of Supervisors.

Wilkins asked how the property owners would traverse the area during the construction.

Malitsch said Mr. Graack would go to the north and the Meilingers would have to go to the South because there's going to be no ability to really cross that creek once they get in there.

Lammi asked when if the new driveways for the landowners would be finished before they set the bridge.

Malitsch said it must, because the road has to be built so they would have to have some way to get up to that new elevation.

Woods said the contractor is going to be under agreement to always provide access to them.

Diefenderfer asked how long the bridge would last.

Malitsch said they're designed for a 50-year life cycle but they last longer.

Gallagher asked what the weight capacity for the bridge is.

Woods said it's a PH L. 93 loading which is PennDOT absolute highest loading

so fire truck will get over it.

Gallagher said it is desperately needed. Small weather events make it difficult to cross there.

Kicska asked if the bridge plans were approved by DEP and the Township.

Malitsch said yes to both. DEP does not review structure. Municipalities review structure. Municipal engineers and DEP review hydraulics.

Williams said the Board of Supervisors have not approved the bridge nor seen the design. He said according to Mr. Graack, you have not met with him to discuss acquisition of his land for the bridge. He also said according to the Hartins there is no verbal or written agreement. The Township would like an agreement with Mr. Graack and the Hartins as well as copies of the bridge plans to the planning department to distribute to Board before this comes to the Board of Supervisors.

Malitsch said plans had previously been sent. He said he would send them to Williams.

Williams and Baird responded they have not seen them.

Baird said on a phone call with Woods that he had told Woods that they need a presentation regarding the bridge.

Malitsch said he sent a bridge design on Oct 14th.

Baird asked if that was the final bridge design.

Malitsch said yes.

Williams said he did not see them, and the Township didn't approve them. Pidcock may have seen them, but they are no longer the Township Engineer. He said he and Malitsch had discussed this when they had met in the office. Malitsch did not provide the bridge plans. He said they had talked about this many times.

Williams said the bottom line is we need to see the plans.

Malitsch said they would re-send bridge plans to the Township.

Blanchfield requested to go through the waivers in the Engineer letter.

1A regarding the Depth to Width Ratio the applicant is requesting a waiver to for a 6:1 depth to width ratio. The Commission has accepted that.

1B Driveway Offsets regarding the possible elimination of 3 of the units. Mr. Piperato states that there was a waiver granted in Phase 1. Oetinger said he was unsure if the waivers covered all the houses.

Woods stated that there are less driveways the previously approved.

Baird said that was not the question raised at the last meeting. The questions was regarding the safety of having the driveways that back into the intersection.

Malitsch said they were not proposing to modify the plan.

Oetinger added Mr. Piperato said a waiver was granted. Oetinger said he didn't find the waiver granted. His understanding was it was a waiver by implication because it was shown on the plan. It wasn't called out for some reason, nor was it expressly granted.

He said it seems that the plan was approved in a certain way which was arguably violation of subdivision ordinance then, even if it wasn't called out in that review. He asked Malitsch if that is the status.

Malitsch said yes.

Blanchfield said there needs to be a resolution.

Oetinger explained to the commission it is either a submission that's failed to comply with the ordinance which would be a denial, or the plan can be revised to comply with the ordinance with conditional approval. It follows those 2 tracks unless the Board is inclined to grant a waiver or partial waiver.

Diefenderfer said there are 4 lots he is especially concerned about.

Oetinger added the Planning Commission can make a recommendation of a waiver or partial waiver.

Wilkins asked if they had approved this incorrectly.

Oetinger said previous engineers didn't call it out.

Malitsch said this stickiest one.

Williams asked why they wouldn't want to work it now before pushing it to the Board of Supervisors unresolved.

Blanchfield said that it doesn't meet the ordinance and we do think there is a safety issue. They seem to be adamant that they don't want to change the plan.

Unless something happens for them to change the plan, or a legal arrangement is made we can't approve it.

Williams confirmed the Commission felt it was an unsafe plan.

Diefenderfer said it also gives them an opportunity to revise it before the Board of Supervisors meeting.

Williams said while you're unanimous saying it's unsafe, the Board is going to

also say it's unsafe.

Diefenderfer said an alternative would be to remove the 4 buildings previously noted or find an alternative where they driveway doesn't back into the intersection.

Williams said those 4 driveways are not the only concerns. Pushing it to the Board of Supervisors is still avoiding a lot of concerns that need to be worked out. He said in his opinion it doesn't serve the community well to push it forward. The Planning Commission is much more capable and knowledgeable of addressing issues. He said Malitsch said they have no plans to resolve the driveway issue.

Malitsch said that is correct. Their attorney believes the approved preliminary plans gives them a standing on the matter.

Williams said the 2 solicitors can work that out and give a recommendation back to the Planning Commission.

Lammi said that the applicant is saying the preliminary plan was approved. However, he said that this plan has changed drastically from then.

Malitsch added the removal of the alleys did not change how the driveways were oriented. He said the removal of the alleys caused less intersections than on the previous plan.

Lammi added due to the removal of the alleys the plan has changed drastically.

Malitsch said that this is not a new preliminary plan. It is a final plan. The change in the plans has added front loaded garage with full access for a car in the driveway.

Baird said on the original plan, the focus was not on driveways backing into internal intersections because the garages were accessing alleyways.

Malitsch said that is incorrect. He said that on the original plan there are driveways backing into those intersections.

Blanchfield referenced the January 2023 minutes. The two attorneys need to follow up with this.

Blanchfield moved on to the waiver regarding the emergency spillway.

Briglia confirmed that he agreed synthetic material being used for the emergency spillway.

Blanchfield moved onto the detention basin waiver. The Geotech consultant is accepting of the slope change. Regarding the change in grade, we will accept 1% without a low flow channel.

Regarding the waivers for cross section of 50-foot intervals, Briglia said he would prefer individual lot grading plans.

Baird said we need a more refined analysis of the grading. In the past we've been faced with some serious stormwater issues. We have better onsite construction inspection now which would aid in this.

Blanchfield said we're not accepting this waiver, but he would like the engineers to get together to figure out what would be acceptable to both.

Regarding the waiver for providing location trees, Malitsch said the waiver was withdrawn.

Woods said they provided a tree count on the plans.

Continuing with the Carroll Engineering letter, on the subject of stormwater, Blanchfield asked if all the comments have been addressed.

Briglia responded yes.

Regarding sanitary sewer, Blanchfield asked if everything had been taken care of.

Briglia said yes.

Blanchfield said a traffic impact study was on the Engineers letter also. He said we had discussed traffic concerns, especially the intersection of Rabbit Run and Corriere Road. There were also concerns about sight distances, the pedestrian crossing etc.

Briglia said there is intersection at Corriere and Rabbit Run basically being a four-way intersection with really no additional controls. There were concerns about questionable sight distances. He said he didn't see the necessary explanation on the plans regarding site distances, pedestrian accommodations, striping, crosswalks etc. He said he is making a recommendation for a traffic study.

Baird said there have been many iterations of this plan from back to around 2007. This is traditionally a bad intersection with approximately 15 traffic accidents since 2016. With approximately another 140 households this could only exacerbate the problems. Where we may not have needed a traffic study in 2007, we do now.

Lammi added that in 2007, the Corriere Dr, Palmer View wasn't even there. He said he took a ride there that evening. Traffic coming from Forks Township, makes it hard to pull out with cars speeding down the hill. We definitely need traffic counts. Traffic counts that may have been taken in 2007 will be much different than the current traffic situation.

Williams added that the data we have today from the Palmer Township Police is 16 accidents. The 16 were all airbag deployable. That is with the current 3-way intersection. With the development, we will have a 4-way intersection with more

than 100 townhomes with the probability of young families with children.

Diefenderfer added that he agrees based on the number of accidents. This is something we wouldn't have anticipated 15 years ago. These homes are going to have young kids getting on a bus. With the walkway from the park, they will have to cross Van Buren, and it will be dangerous.

Lammi said putting a crosswalk at an intersection that's not protected will be a liability.

Diefenderfer added that another complex further down on Van Buren t has a four way stop that at least slows people down.

Kicska asked if a traffic study would trigger PennDOT to look at it as a signalized intersection.

Briglia said to do a signal market analysis, they would need a study or traffic counts.

Kicska asked if a traffic study would be considered.

Malitsch said traffic study could be many things. He said they have already commissioned a traffic count to be done.

Blanchfield asked if some type of traffic control measures are being considered.

Malitsch said there are degrees of intensity. He said Briglia's recommendations of demonstrating sight lines are reasonable.

Blanchfield said the committee is leaning towards the traffic analysis.

Malitsch said we obviously have been leveraging the fact that the previous traffic study was an integral part in developer trading these atypical frontage improvements along phase 3. He said they want to preserve their rights. If there are improvements that they need to enhance on their side of the road, like crosswalks or stop bars, that would be considered . He said anything more would be a higher order discussion with the Board of Supervisors.

Briglia said we need additional data. The intersection is currently busy and is prone to accidents. With more housing, it will only get worse. Traffic counts, striping, pavement markings etc. would help improve safety. It may not have to be a signal but there are certainly things that can be done to make it safer.

Baird said what if the traffic counts come back saying this is a lot of traffic. He said if you get to the end of your study of the traffic counts, and you still need a traffic signal, and a traffic study, you've wasted a lot of time doing the minimum.

Diefenderfer asked Briglia what would be required to establish the need for a PennDOT warrant?

Briglia said there is various data involved. He said he did not have the checklist with him. A traffic count is part of the warrant analysis.

Malitsch said they could commit to a warrant analysis.

Kicska said his recommendation would be some type of signal. He feels it is the only way to manage traffic and get pedestrians safely across the street. He feels a blinking light won't stop people. Protecting the people that are going to move in there with something significant may be the way to go.

Blanchfield asked to review the Gilmore report of March 14th. All the outstanding issues have been taken care of. There is one issue to be resolved, the bentonite liner there is discrepancy of clay versus synthetic liner.

Woods agreed to work that out with Geotech.

The Geotech also suggests site reconnaissance and there were some notes regarding sinkhole repairs.

Diefenderfer asked how the construction trucks will enter and exit.

Malitsch said there were 2 construction entrances at the 2 proposed driveways.

After some discussion, it was agreed to a 60-day extension to May 14th.

Blanchfield recapped outstanding items.

-Traffic count, recommendations, and a warrant analysis.

-Engineers to work out a resolution for cross sections of 50 ft intervals or individual lots or groupings of lots.

-Most importantly, the waiver request for Saldo 165- 67 -B, which is the driveways for the four units that are directly in line with intersections, units 204,205, 162 and 161.

Wilkins asked if an attempt had been made to talk with the neighbors.

Malitsch said they have been trying.

Harry Graack raised his hand to speak. Blanchfield asked if he wanted to address something specific because there were other applicants.

Graack said he had been put off for a while, but he was going to speak to refute what has been said.

Williams asked Graack to come to the microphone unless Blanchfield disagreed. Blanchfield agreed.

Harry Graack 1380 Van Buren Road. He said he has been studying this project for a year and half with files since 2008 and has reviewed most information regarding the project. Through the many iterations of this project, there has been a debacle in how things are interpreted.

He said he had an attorney look at PA case studies. Most of the cases never ended up getting done the way they were originally presented many years earlier due to the changes in standards.

He feels they did not do due diligence in presenting the bridge. He feels Tuskes

should have come to the affected parties first with their bridge design. He said that after doing research he thinks the bridge and road elevation is an afterthought. He said he could've designed 3 other bridges that would match the flow rate they picked. He said they got a DEP permit on a deficiency that letter that was never entered properly. He said he has all the information that Mr. Malitsch provided to the township.

Blanchfield asked if this was part of the presentation that took place at the township.

Williams said yes. Graack had met with the township several times and has shared most of the information with the township, or the township has provided information to him through Right to Know Requests.

Graack said the intersection is also a mess. The sight distances are horrible. He feels there should be a traffic study done of not only the intersection but the surrounding areas.

Graack said he would like to meet with the developers.

He said the whole project should be redone from what was submitted in 2007.

He said this is poor performance from a municipality. Phase 1 should not have been approved until a bridge was nailed down.

He said they are never going to get his signature on this bridge design. He said that saying this is the only way the bridge can be built, with these elevations, is wrong.

He said some of things they stated regarding the bridge are untrue. The letter from PADEP says the change in road grade is not allowable under GP-11. However, they got it approved. Mr. Woods wrote a letter to DEP and covered that over.

He said he could design a bridge that handles the same flow rate that is not as high.

He asked Tuskes if he had ever built a bridge in Palmer Township before.

Tuskes answered Mill Race.

Graack asked Tuskes why he didn't want to build the bridge.

Tuskes answered if Graack and Bill would give them the easements they would move forward as soon as possible.

Harry asked why they didn't do that 2 years ago when they resurrected the project.

Tuskes responded that everything was dictated by what the township engineers, ordinances or codes required. The original design did not take into consideration what was required by the township.

Graack said back in 2007-2008 the Township said the elevations were ok. However, no one investigated what would happen with Bill Hartin's driveway or

Graack's property. No one met with them to discuss it.
He said this has been going on too long. He would like to get the problem solved.

He wants the bridge to be built before Phase 3.

He said he asked for some dirt, and to straighten out the elevations. However, he is not flexible on the design, position, capacity, the look, and the environment of the bridge.

He said he would like to meet with them.

Blanchfield told Tuskes we need to get this resolved.

Tuskes said there had been numerous conversations. He said he had drinks with Bill and Nancy to discuss options.

Blanchfield said nothing else can happen until this is resolved. This has been a difficult project and needs to come to a resolution.

Diefenderfer asked Graack if any of his bridge designs are close to what Tuskes' design is.

Graack said their design is similar to the Route 33 overpass. They met the standard. The specs are correct but it's going to look like an overpass.

Diefenderfer asked if the problem was mostly the aesthetic.

Graack said no. It's a FEMA/floodway mapping problem. He called it tailing, where water backs up. He said it does meet FEMA requirements. It would not flood unless 100 yr storm, but it could.

He explained the design of the bridge he would like. He said he is upset because no one came to them earlier to discuss the bridge.

He wants a Tuskes meeting with everyone involved, township, etc.

Motion to Table Wilkins
Seconded by Diefenderfer.

Motion: Tabled, Moved by Richard Wilkins, Seconded by Chuck Diefenderfer. Passed. 6-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Wilkins
Commission Members Absent: Walker

NEW BUSINESS

4. Palmer Manor Personal Care Facility

Project: Palmer Manor Personal Care Facility

Application: Preliminary & Final Land Development

Address: 537 Milford Street

Parcel ID: M8 8 1B-5 0324

Proposed: 70 Bed, 4 Story Apartment Building, 28 parking spaces

Existing Zoning: Heavy Industrial/Mixed Use (HI) Zoning District

DISCUSSION

Present for the applicant was Jason Buchta with Ott Consulting.

Blanchfield reviewed Palmer Manor. He said this is a personal care facility preliminary/ final land development plan, which is located at 537 Milford Street. The project was submitted by Exchange 8 LLC. The development is for a four-story building with 70 beds 28 parking places and 6 employees. The application presents this project as a personal care facility. More details will be presented during the applicant's presentation. The property is on a small lot, .97 acres It is in a heavy industrial/mixed use HI zoning district. It has some history here. The planning commission recommended denial of the conditional use of the application for this project for height on September 9 2020. At that time, that building was described as 4 stories, 51.5 feet. The zoning ordinance requires a conditional use for 3.5 stories or above, or 45ft. A higher builder was granted by a variance by the zoning hearing board on August 2020. In that they deferred to the board of supervisors to make the final decision. They also gave a variance for allowing this use in an HI district and allowing this building to be set in less than a one-acre piece of property. They also allowed a 15-foot setback compared to our ordinance which is 120-foot setback.

The Board of Supervisors reviewed this conditional use also and approved it on October 5 2020. At the Board of Supervisors meeting of October 5, a conditional use hearing was held discussing the building's height and other issues. Relief was sought for the height of 3.5 stories or 45 feet. They came in for a fire protection discussion for measures that were required to be above and beyond those normally required on a project like this because of not being able to access to the rear of the property. The fire systems proposed included in the conditional use approval were fully compliant sprinkler system with standpipes in the stairwell, concrete blocks stairwell 2 hydrants, 2 stair towers and 2 hour rated fire doors. The Fire Commissioner was ok with that according to the minutes of the meeting that night.

There is no access to the rear of the building. The Fire Commissioner, the Planning Commission and the board supervisors were concerned about that. The Fire Commissioner said that he has taken that into consideration for acceptance based on the above and beyond fire protection. The motion carried that night with the following conditions: handicapped individuals to be limited to the lower levels and design and construction of the fire protection system would be to the satisfaction of the Fire Commissioner, the fire commissioner approves their emergency operations plan for this facility, and policies and procedures for the fire protection for the residents.

The applicant must comply with the comments in the township engineering letter of December 3 2020, and the applicant was required to go through the township land development plan. At the January 11 Planning Commission meeting the applicant presented a sketch plan for discussion. The sketch plan also proposed a 112 offsite parking lot, which has now been pulled from this project. It is also important to note that the new draft zoning ordinance proposes to rezone this property to light industrial mixed use LI-2. Multifamily midrise dwellings are not proposed to be permitted in this new district. It is my

understanding from the original proposal that it was going to be called an assisted living facility and now it's called a personal care facility.

Buchta said he is there to represent the client. He said the applicant would be better at explaining the difference between assisted living facility and personal care facility. He said his understanding is that a personal care facility does not have nurses in the building full time.

Armato explained due to his experience as an executive director of 2 facilities, it is not required under DPW to have a nurse. However, they are required to have a significant amount of staffing. They must be CNA or PCAs with med passes.

As far as staffing ratios it will not pass through DPW as a licensed personal care home, due to parking, fire, and staffing. State regulations are not being met. You must have an activity area, you have to have dining. Food must be served on China with silverware and glassware. There's a certain number of activities that must take place. Med passes must be done. People must be med tech certified. Access to doctors is required. He said what they are describing is a group home not a personal care facility.

Blanchfield asked for further information on group homes.

Armato said group homes have house administrator and executive director. It is where people live, they go to a job. They are assisted with getting to doctor's appointments and paying their bills. They are being assisted with fulfilling the best life they can have.

He said this applicant is talking about a 70-bed facility with a staff of six.

Diefenderfer asked what was applied for on the actual application and what did the board approve.

Baird said it's been a personal care facility for the entire time after it changed from assisted living.

Lammi added it says personal care/ assisted living facility.

Armato said an assisted living facility has even more stringent requirements. They would not be able to attain licensing by the DPW.

Lammi said it what was a part of the conditional use approval.

Armato said he doesn't understand why the board at that time would pass it.

Lammi responded that Armato brings a wealth of knowledge in this area.

Oetinger asked if they had a license for a personal care facility.

Buchta said the owner/applicant has other facilities that are similar to this.

Oetinger said the reason he was asking was because the zoning ordinance definition for personal home care and personal care home center includes that it is licensed as a "personal care center" by the Commonwealth of Pennsylvania.

So, in common in that definition is if you're going to do it you have to have a license. If you don't have a license, you don't have "use".

Gallagher added that his approval was based on assisted living, not personal care. He approved based on the fact there would be 24-hour nurses there to assist patients to evacuation routes. Since this is not the case, this is a problem.

Armato said they are mandated monthly for fire drills. They have 13 minutes to evacuate all patients from the facility even if they are in hospice or bed ridden.

Oetinger said the term of the "use" says it needs to be licensed.

Buchta said he would accept the extension to speak to the applicant.

Wilkins motioned to table.

Diefenderfer seconded the motion.

Motion: Tabled, Moved by Richard Wilkins, Seconded by Chuck Diefenderfer. Passed. 6-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Kicska, Lammi, Wilkins
Commission Members Absent: Walker

PLANNING DIRECTOR COMMENTS

There were no Planning Director comments.

Commission Members Absent: Walker

PUBLIC COMMENT

Blanchfield as if there was any public comment. There was none.

Commission Members Absent: Walker

ADJOURNMENT

The meeting was adjourned at 10:22PM

Motion: Approve, Moved by Jeff Kicska, Seconded by Robert Lammi. Passed. 4-0. Commission Members voting Ayes: Aydelotte, Blanchfield, Diefenderfer, Wilkins
Commission Members Absent: Walker